

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

RAMON DE LEON-TORRES,

Petitioner,

CASE NO. 07CV1874-LAB
[Related Case No. 04cr2898-LAB]
[Related Case No. 05cv2074]

vs.

UNITED STATES OF AMERICA,

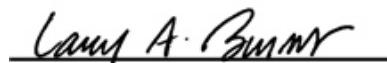
Respondent.

**ORDER DENYING WITH
PREJUDICE 28 U.S.C. § 2255
MOTION**

By Order entered April 26, 2006, the undersigned District Judge denied petitioner Ramon DeLeon-Torres' ("DeLeon-Torres") 28 U.S.C. § 2255 motion in Case No. 05cv2074-LAB and dismissed that action prejudice. De-Leon Torres appealed that result. By Order entered September 14, 2007, the Ninth Circuit Court of Appeals denied his application for authorization to file a second or successive 28 U.S.C. § 2255 motion in the District Court, for failure to make the required *prima facie* showing. *See* 04cr2898-LAB Dkt No. 35; *see also* 05cv2074-LAB Dkt No. 1. The Ninth Circuit instructed: "No petition for rehearing or motion for reconsideration shall be filed or entertained in this case." *Id.* On September 20, 2007, DeLeon-Torres impermissibly filed a second or successive 28 U.S.C. § 2255 motion in this new case, again seeking to vacate, set aside, or correct his sentence. The motion is **DENIED WITH PREJUDICE**.

IT IS SO ORDERED.

DATED: October 15, 2007



HONORABLE LARRY ALAN BURNS
United States District Judge